

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Crl.Misc. No.26276-M of 2006

Date of Decision:- 30.07.2007

Karamjit Singh

....Petitioner(s)

through

Mr.Veneet Sharma, Advocate

vs.

State of Punjab & anr.

....Respondent(s)

through

Mr.Rajesh Bhardwaj, DAG, Punjab.

CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

- 1) Whether Reporters of the local papers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

SURYA KANT, J. (ORAL)

The prayer in this petition is for quashing of F.I.R.No.123 dated 14.8.2005 under Sections 363, 366, 120-B IPC registered at Police Station, Bhikhiwind and the consequential proceedings arising therefrom.

The above-stated F.I.R. has been registered on the statement of Dharam Singh, resident of village Chung, who has, *inter alia*, alleged that his minor daughter Gurpreet Kaur aged about 15/16 years, was enticed and illegally taken away by the petitioner in connivance with his aunt Balwinder Kaur wife of Komal Singh.

The petitioner, however, seeks quashing of the aforesaid F.I.R. on the ground that the daughter of the complainant, namely, Gurpreet Kaur, was major at the relevant time as she was born on 29.11.1986. In support of his contention, her birth certificate (Annexure P-1) has been produced on record. It is further averred that the petitioner and said Gurpreet Kaur developed liking for each other and got married against the wishes of the complainant. It is claimed that both of them are living together as husband and wife. Learned counsel for the petitioner further states that out of the wedlock, the petitioner and Gurpreet Kaur have been blessed with a child

also.

The aforesaid averments are sought to be substantiated with an affidavit purported to be that of Gurpreet Kaur and which is appended as Annexure P-2.

On this premise, it is contended that no offence under Section 363, 366, 120-B IPC is made out against the petitioner.

Notice of motion was issued and in response thereto, Mr.Rajesh Bhardwaj, learned DAG, Punjab, on instructions from ASI Sukhdev Singh, states that the investigation is still going on and no challan has been presented so far.

After hearing learned counsel for the parties and having regard to the above-stated stage of the investigation, this petition is disposed of with a liberty to the petitioner to produce the birth certificate (Annexure P-1 and/or any other document before the Investigating Officer to show that the petitioner and Gurpreet Kaur have got married and are living together as husband and wife.

The petitioner may also produce an affidavit of Gurpreet Kaur in support of the fact that she was major at the time of marriage and that she is happily living/settled with her husband, namely, the petitioner.

If so required, the Investigating Officer is directed to verify the above-stated facts by visiting the petitioner's residence so as to record the statement of Gurpreet Kaur and thereafter submit the report under Section 173 Cr.P.C. in accordance with law, within a period of three months from the date of receipt of certified copy of this order.

It is, however, directed that in the event of arrest, the petitioner and/or his wife shall be released on bail by the Investigating Officer, subject to their furnishing bail bonds to the satisfaction of the Investigating Officer. The petitioners shall, however, join and fully cooperate with the investigation till the investigation, as directed above, is over.

July 30, 2007
poonam

(SURYA KANT)
JUDGE